



## Wisconsin's Shoreland Protection Program

### Summary of Proposed Revisions

Wisconsin Department  
of Natural Resources



## Where are "Shorelands"?

The Shoreland Zone is defined as the greater of:

- 1000 feet from the OHWM of a "navigable" lake, pond or flowage
- 300 feet from a "navigable" stream
- the floodplain
- in unincorporated areas or areas annexed since May 7, 1982 or incorporated since April 30, 1994

### Program History

- In 1966, the Shoreland Management Program was created
- Statutory objectives include ensuring clean water for drinking supplies, preserving fish and wildlife habitat, and protecting natural scenic beauty



## A Partnership for Protection



Wisconsin's Shoreland Management Program is a partnership between state and local gov't that sets minimum standards for development near navigable waters.

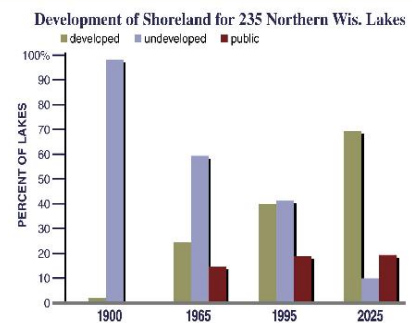


## Why Change the Rule Now?

Shoreland development patterns have changed since 1960s



### Shoreland development trends



Source: Wisconsin Dept. of Natural Resources

The Wisconsin Lakes Partnership





### Why Now?

- Better understanding of shoreland development impacts on water quality and fish and wildlife habitat

### Why Now?

- Clarity and consistency needed in application of statewide minimum standards
- Increased protection for the resource needed to compensate for introduced levels of flexibility



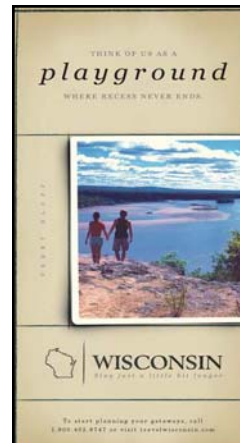
### NR 115 Revision Process

- Nov. 2002: 28-member Advisory Committee formed
- 8 AC meeting on resource specific issues
- Nov. & Dec. 2003: 8 Public Listening Session on initial concepts



### Process

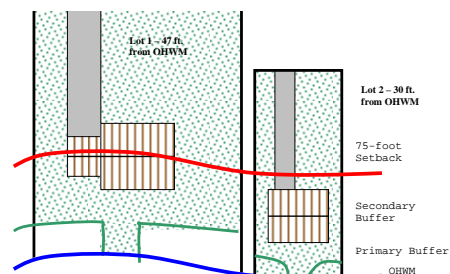
- May 2004: First proposal prepared
- 5 AC meetings on Rule Drafts
- Spring 2005: Request permission for public hearings from NRB at May 24-25 Board Meeting in Black River Falls



### Public Hearing Draft Overview

- Development density - multi-family and campground standards
- Improved resource protection through shoreland vegetation standards
- Added impervious surface trigger and mitigation requirements
- Significant policy shift on the regulation of nonconforming structures increasing county flexibility

### Nonconforming Structures





## Nonconforming Structures

- Ordinary maintenance and repair - allowed indefinitely.
- Replacement - allowed in the same footprint if the structure has a foundation - with mitigation.
- Structural alteration - broad spectrum requiring county case by case determinations.
- Sliding scale for expansion introduces equity and scaled resource protection.
- County flexibility in using a different method to regulate NC structures



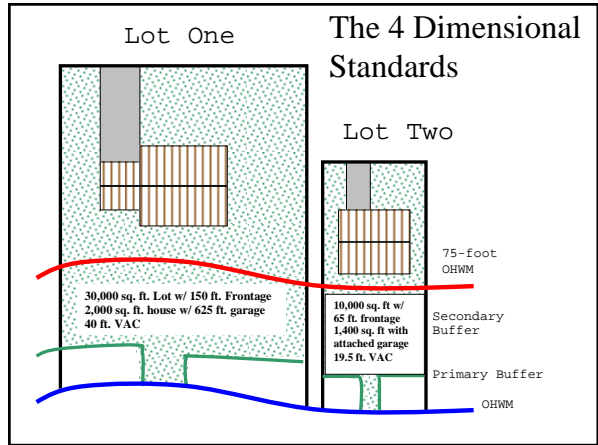
## Mitigation

- Level 1 - determined by the county and apply to structural alteration of NC accessory structures.
- Level 2 - minimum - the restoration of the primary shoreland buffer.
- Counties decide proportional mitigation and may require additional level 2 mitigation.



## Economic & Environmental Protection Partnership

- Department's goal is to protect and restore the state's water resources for all to enjoy.
- New technology and knowledge of development impacts have provided opportunities to increase flexibility for property owners of NC structures while also safeguarding the resource.
- Mitigation and the new NC provisions go hand in hand to protect the environment and ensure or increase the value of private property.



## Lot Size & Density

- Retained current lot sizes - area and width.  
 Sewered - 10,000 ft<sup>2</sup> & 65 ft  
 Unsewered - 20,000 ft<sup>2</sup> & 100 ft
- Density standards - multiple unit developments.



## Why is this Important?

- Smaller lot sizes equal greater development
- More development leads to a greater amount of impervious surfaces.
- A large percentage of impervious surfaces equals increased runoff entering the waterbody.
- Increased runoff in the water leads to degraded water quality.
- Degraded water quality and unfishable and/or unswimable waters decreases property values.



## Shoreland Setback

- Retained statewide minimum setback of 75 feet divided into a primary and secondary buffer.
- No new dry boathouses allowed in the setback.
- County flexibility for exempting up to 15 other types of structures - increase from current 3 exemptions.
- Two methods of calculating a reduced setback.
  - Setback Averaging and
  - Setback Reduction Formula



## Why is this Important?

- Structures closer to the water have less area for infiltration of runoff before it enters the water.
- It is important to have enough room on a lot for a vegetative buffer to filter pollutants and provide habitat.
- Structures within the setback usually have less screening and therefore impact natural scenic beauty.



## Shoreland Vegetation

Language added to increase the protection of vegetation in the primary buffer.

- What is allowed
  - Tree and shrub pruning
  - existing lawns may be maintained
  - certain actions trigger primary buffer restoration
- Vegetation plan required
  - when constructing a new residence
  - when preservation or restoration of vegetative buffers is required by mitigation or to exceed the impervious surface limit.



## Shoreland Vegetation

- County flexibility to exempt certain activities from shoreland vegetation provisions.
- Access corridor calculation
  - < 200 feet of frontage - 40 ft or 30% whichever is less.
  - > 200 ft may not exceed 20% of the lot width.
- Trees and shrubs may be removed
  - if exotic or invasive species,
  - diseased or damaged, or
  - an imminent safety hazard.



## Why is this Important?


- Vegetative buffers provide a natural filter to remove and settle pollutants from runoff water.
- Buffers serve as critical habitat for several land and water wildlife species.
- Shoreland vegetation can act as an anchor holding soil in place and minimizing erosion.
- Shoreland buffers add to the natural scenic beauty of a lake or river.



## Impervious Surfaces


- New construction - implement best management practices (BMP's) that result in no increase in discharge.
- If total impervious surfaces on the lot over 20%, the shoreland buffer shall be preserved or established.






## Additional Issues

- Impervious Surfaces
  - Department intent not reflected in current language
  - intended to only require runoff directed to pervious surfaces below 20%
  - Over 20% require restoration of the primary buffer




## Flexibility

- Access lots - permissive language
- Policy shift in regulation of NCS - introducing replacement as an option
- NCS expansion sliding scale
- County alternatives to regulating NCS, setback reduction and campgrounds
- Mitigation - proportionally tiered for case by case determination




## DNR Board Amendment

- Ordinary High Water Mark (OHWM)& Setbacks
  - Minimal discrepancy - County determination
  - Fringe < 40 ft - closest OHWM to land with 75ft. Setback
  - Fringe > 40ft. - setback 35ft. From wetland boundary



## Additional Issues

- Flagpoles
  - Department intent not reflected in current language
  - intended to allow flagpoles as an **exemption** if the county choose to adopt the provision in the county shoreland zoning ordinance
  - Current NR 115 does not allow for an exemption, proposal should clarify rational that it is permissible to have a flagpole and flag within the shoreland setback.



## Additional Issues

- Campground Expansions
  - Department intent not reflected in current language
  - language to address expansions to current campgrounds needed in rule
  - requires alteration of wording in NR 115.11(4)



## Process

- Summer 2005: (July-August) - Hold 11 public hearings
- Natural Resources Board Final Approval
  - December or January meeting
- Legislative Review
  - potential legislative hearings



## QUESTIONS

For more information:

Check out: [www.dnr.wi.gov](http://www.dnr.wi.gov)

Under “Go to some topics”, select “shoreland management”

Select “NR115 Revision Update” under “Headlines”

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